

**TITLE 9. HEALTH SERVICES**

**CHAPTER 8. DEPARTMENT OF HEALTH SERVICES**

**FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

**ARTICLE 3. PUBLIC TOILET FACILITIES**

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ARTICLE 3. PUBLIC TOILET FACILITIES

**R9-8-301. Definitions**

In this Article:

1. ~~“Bathroom” means a restroom that contains a shower or bathtub.~~
1. “Bathtub” means a receptacle, in which a user can sit, with a faucet that supplies water capable of reaching at least 85° F and with a drain connected to a sewage collection system.
2. “Clean” means free of dirt and debris.
3. “Complaint” means information indicating the need for inspection due to possible violations of this Article.
4. “Debris” means litter or the remains of something that has broken or torn into pieces.
2. ~~“Department” means the Department of Health Services.~~
3. ~~“Director” means the Director of the Department of Health Services.~~
5. “Durable” means capable of withstanding expected use and remaining easily cleanable.
4. ~~“Flooded” means a sanitary fixture that is overflowing sewage or filled with sewage to the point of overflowing.~~
6. “Food establishment” means an operation that stores, prepares, packages, serves, vends, or otherwise provides food for human consumption.
7. “Human excreta” means fecal and urinary discharges and includes any waste that contains this material.
8. “Impervious” means incapable of being penetrated.
5. ~~“Lavatory” means a sink or basin for cleansing hands.~~
9. “Lavatory” means a sink or a basin with a faucet that supplies water capable of reaching at least 85° F and with a drain connected to a sewage collection system.
10. “Leakproof” means designed and constructed to prevent a substance from escaping.
11. “Manages” means to direct the use of.
12. “Non-absorbent” means impervious to liquid, such as a material coated or treated with rubber, plastic, or other sealing surface.
13. “Owns” means to have the right to possess, use, and convey an interest in.
6. ~~“Person” means a governmental agency, individual, organization, association, partnership, business, corporation, or company.~~
7. ~~“Plumbing system” means sanitary fixtures, pipes, and related parts assembled to carry water into a structure and or carry sewage out of a structure.~~

14. “Portable hand wash station” means a transportable sink or basin with a faucet that supplies water and is:
- a. Not connected to a sewage collection system,
  - b. Connected to a leakproof tank to receive and store waste water, and
  - c. Located in a public place.
8. ~~“Portable toilet” means a transportable toilet connected to a leakproof tank to receive and store sewage temporarily.~~
15. “Portable toilet enclosure” means a structure that is capable of being moved and that houses a public portable toilet.
9. ~~“Potable” means water obtained from a source or distribution system that complies with the requirements of the Department of Environmental Quality as provided in 18 A.A.C. 4.~~
10. ~~“Putrescible waste” means a solid or semisolid waste material that is likely to decompose, decay, spoil, rot, or provide food for insects, rodents, birds, or other pests.~~
16. “Public nuisance” means activities or conditions that may be subject to A.R.S. § 36-601.
17. “Public place” means all or any portion of an area, land, building, or other structure that is open to or may be accessed by any individual.
18. Public portable toilet” means a toilet seat and toilet, or toilet seat, toilet, and urinal that is:
- a. Capable of being moved,
  - b. Not connected to a sewage collection system,
  - c. Connected to a leakproof tank to receive and store sewage temporarily, and
  - d. Located in a public place.
19. Public restroom” means a structure or room that:
- a. Is not connected to living or sleeping quarters;
  - b. Contains a lavatory and water closet or a lavatory, water closet, and urinal connected to a sewage collection system; and
  - c. Is located in a public place.
11. ~~“Refuse” means putrescible and nonputrescible solid and semisolid waste, including trash, garbage, or rubbish.~~
20. “Refuse” means the same as in A.A.C. R18-13-302.
21. “Refuse container” means a receptacle that is capable of being moved and is used for refuse storage.
22. “Regular basis” means at recurring, fixed, or uniform intervals.
23. “Regulatory authority” means

- a. The Arizona Department of Health Services; or
  - b. One of the following entities as specified in A.R.S. § 36-136(D):
    - i. A local health department;
    - ii. A county environmental department; or
    - iii. A public health services district.
24. “Responsible person” means an individual, partnership, corporation, association, the state, a governmental subdivision of the state, a unit of a governmental subdivision of the state, an agency of the state, or a public or private organization that owns, operates, or manages a public restroom or public portable toilet within the state.
12. ~~“Restroom” means a structure or room containing a lavatory and toilet, or lavatory, toilet, and urinal, available to a guest or customer of a business or governmental agency, and unconnected to dwelling or sleeping quarters.~~
25. “Rustproof” means incapable of deteriorating as a result of moisture and oxidation.
26. “Sanitary” means free from filth, bacteria, viruses, mold, and fungi.
13. 27. “Sanitary fixture” means a bathtub, floor drain, lavatory, shower, toilet, or urinal connected to a ~~plumbing system~~ sewage collection system.
- 14 28. “Sewage” means ~~the liquid waste contained in a sanitary fixture or sanitary fixture drain pipe or any liquid containing putrescible particles, feces, or urine~~ the waste from toilets, baths, sinks, lavatories, laundries, and other plumbing fixtures in residences, institutions, public and business buildings, mobile homes, and other places of human habitation, employment, or recreation.
29. “Sewage collection system” has the same meaning as in A.A.C. R18-9-101.
30. “Sewage storage tank” means a receptacle for the collection and holding of the waste from a portable toilet.
15. ~~“Special event” means a group of 100 or more individuals gathered together in lawful assembly for 4 or more hours in an outdoor area that does not have restroom or bathroom facilities.~~
31. “Toilet” means a water-flushed, chemical-flushed, or no-flush bowl for the disposal of human excreta.
32. “Toilet seat” means a detachable, split or U-shaped seat made of non-absorbent material hinged to the top of a toilet and used for sitting.
- 16 33. “Urinal” means ~~an~~ a water-flushed, chemical-flushed, or no-flush upright basin used by males for urination only.

- 34. "Vent pipe" means a hollow cylinder of metal, plastic, or other material that allows gas to escape from a sewage storage tank.
- 35. "Water closet" means the same as in A.R.S. § 45-311.

**R9-8-302. ~~Persons Responsible~~ General Requirements**

~~An owner of a bathroom, restroom, or portable toilet, or a person who administers a special event, shall comply with the provisions of this Article.~~

- A. A responsible person or the responsible person's designee shall comply with the requirements in this Article and with federal and state laws and rules and local codes and ordinances governing public restrooms and public portable toilets, and
- B. A violation of this Article shall constitute a public nuisance under A.R.S. § 36-601.

**R9-8-303. ~~Expired~~ Inspections**

- A. If a regulatory authority receives a complaint regarding a public restroom or public portable toilet, the regulatory authority may conduct an inspection; and
- B. If a regulatory authority conducts an inspection, the inspection shall be conducted according to A.R.S. § 41-1009.

**R9-8-304. ~~Constructing and Maintaining a Portable Toilet~~ Public Restroom Requirements**

~~A portable toilet shall be built and maintained to include:~~

- ~~1. A sewage storage tank, toilet seat, toilet, and urinal made of durable, smooth, leakproof, and rustproof materials;~~
- ~~2. Waterproof and durable floor, wall, ceiling, and door materials;~~
- ~~3. A vent pipe 3 inches in diameter connected to the sewage storage tank and extending 6 inches above the roof of the toilet enclosure; and~~
- ~~4. A constant supply of toilet paper from a toilet paper dispenser.~~

A responsible person or the responsible person's designee shall ensure a public restroom:

- 1. Is:
  - a. Clean,
  - b. Sanitary, and
  - c. Maintained to avoid odors and insect or vermin infestation.
- 2. Has:
  - a. Floors of a non-absorbent material,
  - b. Floors that slope to a drain connected to a sewage collection system.

- c. One or more water closets with toilet seats,
- d. One or more lavatories.
- d. Interior surfaces that are washable and free from gaps,
- e. A supply of toilet paper at each water closet that is replenished before running out,
- f. Soap and single-use paper towels or air hand dryers at each lavatory, and
- g. One or more refuse containers that are constructed of durable and non-absorbent material,

**R9-8-305. ~~Common Bath Towel Prohibited~~ Public Portable Toilet Requirements**

~~A cloth towel provided by a business for a guest or customer to use at the business shall be machine washed with detergent and machine dried before the cloth towel is issued to another guest or customer.~~

A. A responsible person or the responsible person's designee shall ensure that:

- 1. A public portable toilet is:
  - a. Clean,
  - b. Sanitary;
  - c. Made of non-absorbent, durable, smooth, leakproof, and rustproof materials;
  - d. Maintained to avoid odors and insect or vermin infestation; and
  - e. Housed in a portable toilet enclosure; and
- 2. A portable toilet enclosure includes:
  - a. Non-absorbent, durable, smooth, leakproof, and rustproof floor, wall, ceiling, and door materials;
  - b. A vent pipe connected to a sewage storage tank that:
    - i. Is wide enough in diameter to prevent the build up of gasses, and
    - ii. Extends upwards from the sewage storage tank through the roof of the portable toilet enclosure;
  - c. A supply of toilet paper that is replenished before running out; and
  - d. A self-closing door and privacy latch on the door;
- 3. One public portable toilet is deployed for the first 100 people using or expected to use public portable toilet facilities and one additional public portable toilet is deployed for each additional 100 people;
- 4. Each public portable toilet's sewage storage tank is pumped out on a regular basis to keep the public portable toilet operating as designed;

5. A minimum of one public portable toilet that is accessible by handicapped individuals is provided, and additional public portable toilets accessible by handicapped individuals are provided at a rate of 5% of total public portable toilets;
  6. Facilities for washing or sanitizing hands are provided as follows:
    - a. Working hand wash stations are deployed at a minimum rate of one per 10 portable toilets;
    - b. Soap, water, and single use towels are continuously provided at each portable hand wash station; and
    - c. Where conditions make the use of soap and water impractical, the regulatory authority may allow sanitizing gel in place of soap and water; and
  7. Public portable toilets are located a minimum of 100 feet from any food establishment.
- B. The regulatory authority may vary the number of public portable toilets and portable hand wash stations provided based on the estimated number of users, the duration of use, and the availability of public restrooms within 200 feet of the public portable toilet;

**R9-8-306. Special Events Sewage Disposal**

- A. ~~Portable toilets and refuse containers shall be deployed at a special event as follows:~~
1. ~~One portable toilet for the first 100 people, and one portable toilet for each additional 100 people, or portion thereof;~~
  2. ~~One refuse container for the first 100 people, and one refuse container for each additional 100 people, or portion thereof; and~~
  3. ~~Within 200 feet of the special event place.~~
- B. ~~Sewage and refuse generated at a special event shall be collected and disposed of under R9-8-307(A), (B), (C), and (E).~~

A responsible person or the responsible person's designee shall ensure that sewage and human excreta produced in a public restroom or public portable toilet:

1. Does not create a public nuisance; and
2. Is disposed of according to 18 A.A.C. 9, Article 3 or 18 A.A.C. 13, Article 11.

**R9-8-307. Disposal of Sewage and Refuse Refuse Management**

- A. ~~The collection, storage, and treatment of sewage and refuse shall comply with the requirements of the Department of Environmental Quality under:~~
1. ~~18 A.A.C. 8, Article 6, and 18 A.A.C. 9, Articles 7 and 8, for sewage; and~~
  2. ~~18 A.A.C. 8, Article 5, for refuse.~~

- ~~B. A disposable refuse bag shall be used to store refuse generated at a special event. A full refuse bag shall be tied closed before disposal in accordance with subsection (A).~~
- ~~C. A refuse container in a bathroom or restroom, or at a special event, shall be free of accumulations of putrescible waste.~~
- ~~D. A bathroom or restroom exclusively for female use, or a combination male and female use restroom shall be provided with a refuse container with a matching lid.~~
- ~~E. An overflowing refuse container in a bathroom or restroom, or at a special event, is prohibited.~~
- A. A responsible person or the responsible person's designee shall ensure that:
  - 1. The collection, storage, and treatment of refuse complies with the requirements of the Department of Environmental Quality under 18 A.A.C. 13, Article 3, for refuse;
  - 2. A refuse bag is used to store refuse;
  - 3. A full refuse bag is closed before disposal;
  - 4. Refuse containers are not allowed to overflow;
  - 5. Refuse containers are deployed at a minimum rate of one per 10 water closets or public portable toilets; and
- B. The regulatory authority may vary the number of refuse containers provided depending on the estimated number of users and the duration of use.